UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,111	01/25/2005	Franck Abelard	PF020097	2145

24498   7590   04/02/2008

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EXAMINER
JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
04/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 January 2005</u>.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3 and 10-26</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-3 and 10-26</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>25 January 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>1/25/2005</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION\

Claim Objections

1.   Claim 12 is objected to because of the following informalities: claim 12

depends from the canceled claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 26 defines a computer program

product embodying functional descriptive material. However, the claim does not

define a computer-readable medium or memory and is thus non-statutory for that

reason (i.e., "When functional descriptive material is recorded on some

computer-readable medium it becomes structurally and functionally interrelated

to the medium and will be statutory in most cases since use of technology

permits the function of the descriptive material to be realized" – Guidelines Annex

IV). That is, the scope of the presently claimed a computer program product can

range from paper on which the program is written, to a program simply

contemplated and memorized by a person.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-3 and 10-26 are rejected under 35 U.S.C. 102(b) as being

anticipated by Parry et al. (U.S. Patent 6,535,920).

Regarding claim **1**, Parry et al. discloses a method of delayed

reading of digital video data stored in a file on a recording medium a fixed

quantity of the storage resources of the recording medium being allocated

to the file storing these data, wherein the file is a sliding window on the

recording medium (Figs. 5, 6, and 10; col. 16, lines 4-18 – the circular

buffer provides a fixed quantity of storage, col. 10, lines 36-48 - the read

and write pointers rotate around the circular buffer therefore providing a

sliding window).

Regarding claim **2**, Parry et al. discloses all the limitations as

previously discussed with respect to claim 1 including that the data being

stored continuously on the recording medium, a reading window is defined

for these data such that stored data can be read only during a specified

lag following their storage (Figs. 5, 6, and 10; col. 16, lines 4-18 – the

circular buffer provides a fixed quantity of storage of only 5 minutes, 30

minutes, or an hour, col. 10, lines 36-48 - the read and write pointers

rotate around the circular buffer therefore providing a sliding window).

Regarding claim **3**, Parry et al. discloses all the limitations as

previously discussed with respect to claim 1 Including that the resources

of the recording medium being managed by a file controller allotting

resources by means of cells, characterized in that a fixed quantity of cells

delimited by a start of file cell and by an end of file cell is associated with

the file for storing these data (Figs. 8, 10, and 12 - head and tail cells mark

the fixed storage quantity).

Regarding claim **10**, Parry et al. discloses all the limitations as

previously discussed with respect to claim 2 including that the resources

of the recording medium being managed by a file controller allotting

resources by means of cells, wherein a fixed quantity of cells delimited by

a start of file cell and by an end of file cell is associated with the file for

storing these data (Figs. 8, 10, and 12 - head and tail cells mark the fixed

storage quantity).

Regarding claim **11**, Parry et al. discloses all the limitations as

previously discussed with respect to claim 3 including that when the end of

file cell is used to store data, the start of file cell is deallocated, a new end

of file cell being allocated to this file (col. 10, lines 36-48 - the read and

write pointers rotate around the circular buffer therefore providing a sliding

window while reallocating cells on the way depending where they are on

the rotation).

Regarding claim **12**, Parry et al. discloses all the limitations as previously discussed with respect to claim 4 including that when the end of file cell is used to store data, the start of file cell is deallocated, a new end of file cell being allocated to this file (col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window while reallocating cells on the way depending where they are on the rotation).

Regarding claim **13**, Parry et al. discloses all the limitations as previously discussed with respect to claim 3 including that when the end of file cell is used to store data, the set of the cells that are distant from the end of file cell by a specified quantity of data is deallocated from the file and reallocated as cells consecutively following the end of file cell (col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window while reallocating cells on the way depending where they are on the rotation).

Regarding claim **14**, Parry et al. discloses all the limitations as previously discussed with respect to claim 10 including that when the end of file cell is used to store data, the set of the cells that are distant from the end of file cell by a specified quantity of data is deallocated from the file and reallocated as cells consecutively following the end of file cell (col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window while reallocating cells on the way depending where they are on the rotation).

Regarding claim **15**, Parry et al. discloses all the limitations as previously discussed with respect to claim 3 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **16**, Parry et al. discloses all the limitations as previously discussed with respect to claim 10 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **17**, Parry et al. discloses all the limitations as previously discussed with respect to claim 11 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **18**, Parry et al. discloses all the limitations as previously discussed with respect to claim 12 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **19**, Parry et al. discloses all the limitations as previously discussed with respect to claim 13 including that separate means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **20**, Parry et al. discloses all the limitations as previously discussed with respect to claim 14 including that separate

means of writing or of reading data are used (Figs. 5 and 6; col. 7, lines 5-7).

Regarding claim **21**, Parry et al. discloses all the limitations as previously discussed with respect to claim 15 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **22**, Parry et al. discloses all the limitations as previously discussed with respect to claim 16 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **23**, Parry et al. discloses all the limitations as previously discussed with respect to claim 17 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **24**, Parry et al. discloses all the limitations as previously discussed with respect to claim 20 including that the means of reading or of writing comprising, respectively, write or read pointers wherein the write pointer precedes the read pointer for every cell of a file (col. 9, lines 23-34).

Regarding claim **25**, Parry et al. discloses a device for delayed reading of digital video data stored on a recording medium, comprising means for allocating a fixed quantity of the storage resources of the recording medium to the file storing these data, wherein said file is a sliding window on the recording medium, the said device preferably being adapted to implement a method according to claim 1 (Figs. 5, 6, and 10; col. 16, lines 4-18 – the circular buffer provides a fixed quantity of storage, col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window).

Regarding claim **26**, Parry et al. discloses a computer program product comprising program code instructions for the execution of the steps of the method of delayed reading of digital video data according to claim 1, when the said program is executed on a computer (Figs. 5, 6, and 10; col. 16, lines 4-18 – the circular buffer provides a fixed quantity of storage, col. 10, lines 36-48 - the read and write pointers rotate around the circular buffer therefore providing a sliding window, col. 3, lines 13-38 - the program).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John Miller can be reached on 571-272-7353. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/   Heather R Jones
Supervisory Patent Examiner, Art Unit 2623   Examiner
                                                            Art Unit 2621

HRJ
March 25, 2008